IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO. 746 of 2005

Yusuf Mohamed Hussain .. Appellant

versus

Municipal Corporation of Gr.Mumbai .. Respondents

...

Mr.Pradeep Havnur i/b M.N. Havnur for the appellant

Mr.A.J. Bhor for the respondents.

CORAM : B.H. MARLLAPALLE,J

DATED : 26th August 2005.

P.C.:

1. Heard the learned counsel for the respective parties.

2. The present appellant has filed L.C. Suit no.2751 of 2005 challenging the notice issued u/s.351

of the Mumbai Municipal Corporation Act 1888. In the said suit, Notice of Motion no.2517 of 2005 was moved for temporary injunction and it was directed to be registered and made returnable on 14th July 2005. However, prayer for ex-parte ad-interim stay to the notice was refused. On 10th July 2005, the order of status quo was passed by this Court on Civil Application no.876 of 2005 and that order is continued till this date. Notice of Motion is come up before the trial Court on 9th September 2005 and it would be therefore expedient to dispose of this appeal by directing expeditious hearing at the said motion.

3. The appeal is therefore disposed of in terms of the following order:-

a) The respondent corporation shall file its reply if not done so already in the pending Notice of Motion on or before the next date i.e. 9th September 2005.

b) The Notice of Motion no. 2517 of 2005 shall be heard and decided as expeditiously as possible and preferably by 30th November 2005.

c) The order of status quo to continue till the Notice of Motion is decided or 30th November 2005 whichever is earlier.

4. The Notice of Motion will be decided without being influenced by the order of status quo granted by this Court.

B.H. MARLAPALLE, J